

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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| RICHARD TOLBERT, | : | CIVIL ACTION NO. 1:14-CV-2194 |
| | : | |
| Plaintiff | : | (Chief Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| CAROLYN W. COLVIN, Acting Commissioner of Social Security, | : | |
| | : | |
| Defendant | : | |

ORDER

AND NOW, this 13th day of April, 2016, upon consideration of the report (Doc. 18) of Magistrate Judge Gerald B. Cohn, recommending that the court dismiss the appeal of Richard Tolbert (“Tolbert”) from the decision of the administrative law judge denying his application for supplemental security income and disability insurance benefits, and the court noting that Tolbert filed objections (Doc. 19) to the report, and that the Commissioner of Social Security (“Commissioner”) filed a response (Doc. 20) thereto, and, following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being in agreement with Judge Cohn that the decision of the administrative law judge is “supported by substantial evidence,” 42 U.S.C. § 405(g); see Fagnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and finding Judge Cohn’s analysis to be thorough,

well-reasoned, and fully supported by the record, and further finding Tolbert's objections to be without merit and squarely addressed by the report, it is hereby

ORDERED that:

1. The report (Doc. 18) of Magistrate Judge Cohn is ADOPTED.
2. The decision of the Commissioner of Social Security ("Commissioner") denying the application for supplemental security income and disability insurance benefits of Richard Tolbert ("Tolbert") is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Tolbert as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania